

FRIDAY | 07 JUNE 2024

## Case Update



# HON'BLE HIGH COURT OF DELHI GRANTS INTERIM RELIEF TO SOLAR GENERATORS FROM PAYMENT OF TRANSMISSION CHARGES LEVIED BY CTUIL



On 05.06.2024, the Hon'ble High Court of Delhi granted interim relief to ReNew Solar Power Private Limited ("ReNew") and Altra Xergi Power Private Limited ("AXPPL"), i.e., Solar Power Generators, by restraining CTUIL from taking any coercive action in pursuance of the Impugned Invoices raised for payment of transmission charges for the Associated Transmission System ("ATS"). Notably, ReNew and AXPPL were constrained to approach the Hon'ble High Court under its writ jurisdiction as the Central Electricity Regulatory Commission lacked Coram to adjudicate disputes in absence of a Member, Law.

Pertinently, ReNew and AXPPL, being the owners of 1000 MW and 380 MW solar power plants respectively, had filed writ petitions as CTUIL had raised Invoices demanding transmission charges, even though, the ATS identified for their solar power plants had not achieved Commercial Operation Date ("COD"). Essentially, it was pleaded before the Hon'ble Court that transmission charges cannot be levied under the CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 ("Sharing Regulations") if the entire ATS had not achieved COD. Per contra, CTUIL contended that payment of transmission charges was justified in view of the transmission service agreement as few elements of transmission system were ready.

In absence of payment as per the Invoices, ReNew and AXPPL would have faced curtailment/regulation of supply under the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 ("LPS Rules"). In such circumstance, and considering that the entire ATS had not achieved COD, urgent reliefs were necessitated for ReNew and AXPPL. While finding favour with contention raised by ReNew and AXPPL, the Hon'ble High Court found that prima facie case was made out and interim protection was necessary.

*ReNew Solar Power Private Limited and Altra Xergi Power Private Limited were represented by Mr. Shri Venkatesh, Managing Partner assisted by Ms. Ashutosh Kumar Srivastav (Counsel), Mr. Siddharth Nigotia (Senior Associate) and Ms. Manu Tiwari (Associate).*